REMARKS

Claims 1 – 18, 20, and 21 are in the application. Claims 1, 20, and 21 are currently amended; claims 3 – 5, 12, and 18 were previously presented; claim 19 is canceled; and claims 2, 6 – 11, and 13 – 17 remain unchanged from the original versions thereof. Claims 1, 20, and 21 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Support for the current claim amendments is provided in the Specification at paragraphs [0085] - [0090] that discloses a method of determining a packet loss probability using a buffer size.

Reconsideration and further examination are respectfully requested herewith.

Claim Rejections – 35 USC § 103

Claims 1, 7 – 16, and 18 were rejected under 35 USC 103(a) as being unpatentable over Kowalski (US Pub. No. 2003/0063563) in view of Balachandran et al. (US Pub. No. 2003/0063563). This rejection is traversed.

Applicant notes independent claim 1 relates to a method for providing a delay guarantee for each of a plurality of client devices associated with an access point including classifying each of the plurality of client devices into one of a plurality of client device types based on, at least, a measurement of current and previous traffic loads for each of the plurality of client devices, and a determination of whether the client device is critical; determining a desired traffic load for the access point; determining a traffic intensity p for each of the plurality of client devices, below which the access time delay guarantee will be assured with probability of 1 - P_{loss} for each of the plurality of client devices where said traffic intensity p is determined using the relationship of :

$$P_{loss} = (1-p)p^{K}/(1-p^{K+1})$$

where packet loss probability P_{loss} is a probability of violating an access delay time guarantee and a buffer size K is a buffer size representative of a maximum number of retransmissions a client device can try before violating the delay guarantee. The method further includes allocating shaper intervals to each of the plurality of client devices based on the client device type classification of each of the plurality of client devices, the desired traffic load of said access point, and a maximum of the determined traffic intensity p for each of the plurality of client devices wherein the classifying, determining, and allocating are performed by the access point.

Clearly, claim 1 includes determining a traffic intensity p for each of the plurality of client devices, below which the access time delay guarantee will be assured with probability of 1 - P_{loss} for each of the plurality of client devices where the traffic intensity p is determined using the relationship of $P_{loss} = (1-p)p^K/(1-p^{K+1})$ where packet loss probability P_{loss} is a probability of violating an access delay time guarantee and a buffer size K is a buffer size representative of a maximum number of retransmissions a client device can try before violating the delay guarantee. This aspect of claim 1 that involves a method of determining a packet loss probability using a buffer size is not seen as disclosed or suggested in the combination of Kolwalski and Balachandran.

Accordingly, Applicant respectfully submits that claims 1, 7 – 16, and 18 are patentable over Kolwalski and Balachandran under 35 USC 103(a) for at least the reasons stated hereinabove. Therefore, the reconsideration and withdrawal of the rejection of claims 1, 7 – 16, and 18 are respectfully requested, as well as the allowance of same.

Claims 2 – 5 were rejected under 35 USC 103(b) as being unpatentable over Kolwaski in view of Balachandran as applied to claim 1, and further in view of Gu et al. (Daqing Gu and Jinyun Zhang, "QoS Enhancements in IEEE802.11 Wireless Local Area Network", IEEE, June 2003, Pages 120-124); claims 6 and 15 were rejected under 35 USC 103(b) as being unpatentable over Kolwaski in view of Balachandran as applied to claim 1, and further in view of Awater (US Pub 2007/0109980); claim 20 was rejected under 35 USC 103(b) as being unpatentable over Kolwaski in view of

Knauerhase et al. (US Pub 2007/0208847); and claim 21 was rejected under 35 USC 103(b) as being unpatentable over Kolwaski in view of Del Prado Pavon et al. (US Pub 2004/0047351) and Balachandran. Each of these rejections is traversed.

Inasmuch as Applicant has clearly demonstrated the combination of Kolwaski and Balachandran fails to disclose or suggest all of the claimed aspects of claim 1, a central core of the basis for the rejection of claims 2 – 6, 15, 20, and 21 is thus not supported by the cited and relied upon combination of references. It is further submitted that the cited Awater, Knauerhase, and Del Prado Pavon references do not correct or otherwise compensate for the deficiencies of Kolwaski and Balachandran.

Accordingly, it is respectfully submitted claims 2 – 6, 15, 20, and 21 are patentable over the specific combination of references cited and asserted against them by the Office. Therefore, the reconsideration and withdrawal of the rejection of claims 2 – 6, 15, 20, and 21 are respectfully requested.

Accordingly, Applicant respectfully submits that claims 2 – 6, 15, 20, and 21 are patentable under 35 USC 103(a). Therefore, the reconsideration and withdrawal of the rejection of claims 2 – 6, 15, 20, and 21 are respectfully requested, as well as the allowance of same.

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (650) 694-5330.

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